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December 28, 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Salas
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Ex Parte Presentation

**Re: Review of the Commission's Broadcast and Cable Equal Employment
Rules and Policies and Termination of the EEO Streamlining Process, MM
Docket No. 98-204 and 96-16**

Dear Ms. Salas:

Pursuant to 47 C.F.R. §1.1206(b)(1), enclosed for inclusion in the record of the above-referenced proceeding are two copies of a letter from National Organization for Women, American Women in Radio and Television, Inc., Feminist Majority Foundation, Philadelphia Gay and Lesbian Task Force and Wider Opportunities for Women to Chairman William Kennard.

Respectfully submitted,

Jeneba Jalloh Ghatt, Esq.
Counsel for
National Organization for Women
Feminist Majority Foundation
Philadelphia Lesbian and Gay Task Force
Wider Opportunities for Women

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FEDERAL COMMUNICATIONS COMMISSION
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The Honorable William E. Kennard
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20544

**Re: Review of the Commission's Broadcast and Cable Equal Employment Rules
and Policies and Termination of the EEO Streamlining Process, MM Docket No. 98-
204 and 96-16**

Dear Chairman Kennard:

National Organization for Women Foundation, American Women in Radio and Television, Feminist Majority Foundation, Philadelphia Lesbian and Gay Task Force and Wider Opportunities for Women are writing to respond to a Letter from the National Association of Broadcasters dated December 1, 1999 (NAB Letter). The NAB Letter suggests that there is no longer a continued need for recruitment-based EEO rules because the number of women general managers at NAB member television stations rose nearly 39% in the last year, *i.e.*, from 131 in 1998 to 182 in 1999. Although we are pleased to see women making progress in the broadcast industry, these recent gains in no way eliminate the need for strong EEO rules.

If anything, these gains illustrate the success of the FCC's past EEO rules in making sure that women learn about and can apply for job opportunities in broadcasting. The NAB letter states that it "is likely that these numbers are a result of women 'coming up through the ranks'

into the general manager positions." Similarly, in the *Broadcasting & Cable* article about this survey, NAB Executive Vice-President Chuck Sherman acknowledged that the increase "may be because over the past 10 to 15 years, a real strong coterie of women, especially at the sales and news department level, has been moving up the ranks." Elizabeth A. Rathbun, *More Women Fill GM Slots*, Nov. 1, 1999, at 14 (internal quotes omitted). Thus, if it had not been for the FCC's EEO rules over the past twenty years, there would likely be far fewer women to come up through the ranks. It makes no sense to eliminate EEO requirements just at the time they are starting to pay off.

Second, despite the gains by women, there is still much room for improvement. The NAB letter fails to put the numbers into context. According to *Broadcasting and Cable*, the 182 women general managers "constitute about 15.2% of the country's 1,200 or so GM's." *Broadcasting & Cable*, Nov. 1, 1999, at 14. The percentage of women station manager is only slightly higher at 26%. *Id.* Considering that women constitute 43.9% of the total labor force nationwide,¹ these numbers actually show that women continue to be substantially underrepresented in top management positions. Moreover, the national average masks wide variations; the percentage of women general managers at the nation's largest station owners range from a low of 6.7% to a high of 23.1%.²

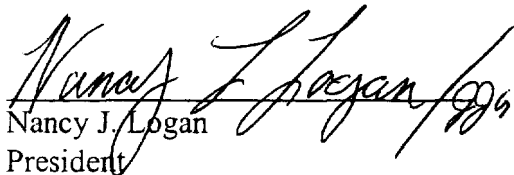
Third, NAB's survey did not address other key aspects of the FCC's EEO policy. It does not examine whether minorities of both genders have experienced similar increases in management positions. Despite this lack of data, the NAB letter draws the conclusion that the increase "demonstrates that the view of broadcasting as closed to employees who are different in gender *or race* than those who were hired in the past is wrong." Furthermore, the study does not address the race and gender of management employees at radio stations, which far outnumber television stations.

Thus, nothing in the NAB survey reduces the need for the FCC to reinstate EEO rules that include requiring broadcasters to make good faith efforts to recruit qualified minorities and women and to keep records of their efforts. Although the NAB opposes record keeping, it could not have compiled its survey if the member stations had not kept adequate records of employment. If stations are doing as good a job as the NAB suggests, then they should have no problem documenting their efforts. Recordkeeping is necessary for licensee self-assessment, and providing access for public monitoring is key to licensees' public interest mandate.

¹See Bureau of Labor Statistics, Employment status of the civilian population by sex and age, table A-1, <<http://www.bls.gov/news.release/empsit.t01.htm>> (visited December 21, 1999).

²Fox has 6 of 23 (26%), CBS has 1 of 15 (6.7%); Paxson has 8 of 49 (16.3%); NBC has 3 of 13 (23.1%), ABC has 2 of 10 (20%); United has 1 of 10 (10%), Paramount has 4 of 19 (21%). Elizabeth A. Rathbun, *More Women Fill GM Slots*, Nov. 1, 1999, at 14.

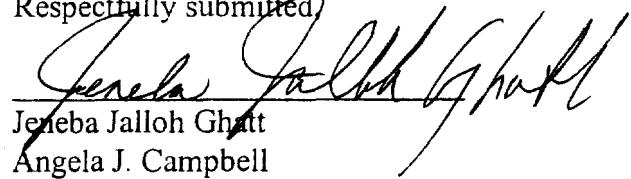
Finally, the letter suggests the FCC could achieve more effective results if it adopts proposals such as the NAB/Broadcast Executive Directors Association job posting Web site. This effort, however, is underinclusive because it would only apply to member stations and would exempt, for example, the 22 television stations which are currently owned by non-NAB member Fox Broadcasting Co. Furthermore, Web recruitment is discriminatory against those without the resources and ability to access the Internet. Thus, while the mentoring and educational proposals suggested by NAB may be helpful in further diversifying broadcast employment, they are not a substitute for effective recordkeeping and recruitment-based rules for *all* licensees which we hope the FCC will be adopting shortly.


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Respectfully submitted,


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cc: Commissioner Harold Furchtgott-Roth
Commissioner Susan Ness
Commissioner Michael Powell
Commissioner Gloria Tristani
Roy J. Stewart
Christopher J. Wright
Renee Licht
Paulette Laden